IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL,
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23617 of 2004

Between:

V. Venugopal S/o Late V. Madhavaram
r/o H. No. 24/168, Kondapeta, Dhone, Kurnool District

..... PETITIONER

AND

1 The Chief General Manager, State Bank of India Head Office, Abids Road, Hyderabad
2 The Branch Manager, State Bank of India, Dhone Branch, Kurnool District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ one in the nature of Writ of Mandamus, or any other appropriate Writ declaring the inaction of the respondents in not giving appointment on compassionate grounds to me as illegal and contrary to the provisions of A.19 and 21 of the Constitution of India and direct the respondents to appoint me in any post for which I am eligible, on compassionate grounds in the interest of justice .

Counsel for the Petitioner: MR.CHETLURU SREENIVAS

Counsel for the Respondents: SMT.Y.PADMAVATHI

The Court made the following :

ORDER:

This writ petition is filed seeking Writ of Mandamus declaring the inaction of the respondents in not giving appointment on compassionate grounds as illegal and contrary to the provisions of Articles 19 and 21 of the Constitution of India.

2. The father of the writ petitioner died on 16-8-1988. Within one year after the death of petitioner's father, his mother made an application on 11-8-1989 to the first respondent through the 2nd respondent. However, the brother of the petitioner was not given any employment on the ground that his brother was not qualified. Then she made another representation on 13-5-1992. But according to the respondents no such application was pending. Then on 22-7-1999, the mother of the petitioner gave a representation to the Branch Manager. On 3-9-2001, the second respondent addressed a letter to the mother of the petitioner seeking information, for which, she gave details and hence, the present writ petition.

3 . A detailed counter affidavit has been filed by the respondents stating that the father of the writ petitioner was suspended for involvement in a fraud case and his eldest son was also involved in the same criminal case and the Bank authorities are not under any obligation to consider any representation of the petitioner's mother after a long lapse of time and against the guidelines issued by the Central Government and there is no violation of fundamental right of the petitioner and

hence, the petition may be dismissed.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

5. The learned counsel for the petitioner contended that the petitioner, who is a minor at the time of death of his father, is entitled to file an application on compassionate grounds even after lapse of four years, but before six years as per the guidelines and the mother of the petitioner gave an application for appointment on compassionate grounds on 13-05-1992 and the same has not been considered and hence, the petitioner prays to give direction to the respondents to consider his case.

6. On the other hand, the learned standing counsel appearing for the respondents contended that the application to consider the case of the petitioner for appointment on compassionate grounds is not filed within the time prescribed under the scheme and the application was filed after long lapse of time and therefore, there are no grounds to give any direction.

7. There cannot be any dispute that the scheme for appointment on compassionate grounds for the dependents of the deceased is to enable the family to tide over the sudden crises due to the death of sole bread winner. The financial condition of the family, the size of the family and such other relevant data are necessary for consideration for appointment on the compassionate grounds. As per the scheme available for appointment on compassionate grounds, the executive committee of the Central Board may consider relaxations in the following cases subject to condition that such requests are received by the Bank within one year from the death of the employee. Further, in case the dependent to be offered appointment is a minor, the offer of appointment may be kept open beyond a period of four years upto a maximum period of six years from the date of death of the employee. Admittedly, the father of the writ petitioner died on 16-08-1988. If that is the case, even in case the petitioner is minor at that time, necessary application has to be filed within a maximum period of six years from the date of death of an employee. Therefore any application ought to have filed by the petitioner on or before 16-8-1994. Even, in the case of minor, according to the scheme, an application has to be filed within one year, but the same shall be considered after attaining the majority. So admittedly the petitioner's application, which was given on 11-8-1989, is admittedly within one year

from the date of death of the deceased, has been rejected by the respondents. That order has become final in view of the fact that no challenge has been made. It is further contended in the affidavit that the mother of the petitioner made application on 13-5-1992, but there is no proof to show that the mother of the petitioner gave application on 13-5-1992. She was also informed that there was no such application dated 13-5-1992 and after lapse of nearly 11 years, she made representation on 22-7-1999. Since the petitioner has not given the application within the required time as per the scheme available with the Bank, a Mandamus cannot be given directing the respondents to act contrary to the provisions of the scheme and therefore, the writ petition is devoid of merits and is hereby dismissed. In the circumstances, no costs.

---------- K.C.BHANU,J

05-04-2005.

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To

1 The Chief General Manager, State Bank of India, Head Office, Abids Road, Hyderabad
2 The Branch Manager, State Bank of India, Dhone Branch, Kurnool District

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